

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

William H. Otis,

Plaintiff,

v.

Civil No. 10-2155 (JNE/JJK)  
ORDER

Harold A. Berge, Rose M. Berge, Cindy  
Lou Berge, Philip Burkholder, Steven  
Corson d/b/a Corson Law Office, and  
Others

Defendants.

In a Report and Recommendation dated April 5, 2011, the Honorable Jeffrey J. Keyes, United States Magistrate Judge, recommended that Defendant Philip Burkholder's unopposed Motion for Summary Judgment be granted. Plaintiff objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Docket No. 70].

On December 23, 2010, the Court dismissed the claims against Harold A. Berge, Rose M. Berge, Cindy Lou Berge, and Steven Corson. With the dismissal of the claims against Philip Burkholder, all that remains is the crossclaim brought by Harold A. Berge, Rose M. Berge, and Cindy Lou Berge against Steven Corson. The crossclaim, which asserts that "[i]f Plaintiff is awarded damages as a result of this action, Defendants Berge are entitled to . . . indemnity and/or contribution from Defendant Steven Corson," appears to be moot. The Court will dismiss the crossclaim unless, within seven days of this Order, counsel for the Berges shows cause why the Court should not dismiss the claim as moot.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT  
IS ORDERED THAT:

1. Plaintiff's claims against Philip Burkholder are DISMISSED WITH PREJUDICE.
2. Defendant Philip Burkholder's motion for summary judgment [Docket No. 53] is GRANTED.

Dated: May 23, 2011

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge